

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 /026 W

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P 172121Z MAR 75

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 0357

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 1855

EXDIS

E.O. 11652: GDS

TAGS: PFOR, ASEC, AR

SUBJ: GOA REPLIES TO US NOTE AND AIDE MEMOIRE

REF: A. BA 1503; B. BA 1614

1. CHIEF OF NORTH AMERICAN DEPARTMENT MEDUS CALLED POLITICAL COUNSELOR TO FOREIGN MINISTRY AT NOON TODAY (MARCH 17) TO HAND HIM REPLIES TO EMBASSY'S NOTE OF MARCH 4 (SEE REF A) AND AIDE MEMOIRE OF MARCH 4 (SEE REF B). THE UNOFFICIAL TRANSLATION OF THE TWO REPLIES ARE GIVEN BELOW (A AND B RESPECTIVELY). MEDUS REAFFIRMED THAT GOA IS CONDUCTING INVESTIGATION OF WHY GUARDS HAD BEEN REMOVED FROM EGAN HOME. TO SUPPORT THIS, HE GAVE COUNSELOR COPY OF MEMO FROM FOREIGN MINISTER VIGNES TO INTERIOR MINISTER ROCAMORA ASKING FOR RESULTS OF THE INVESTIGATION SO THAT SATISFACTION COULD BE GIVEN TO EMBASSY (SEE TEXT C). MEDUS REMARKED THAT GOA HAD FOUND TONE OF US NOTE STRONGER THAN WAS NECESSARY, AND HAD RESPONDED IN KIND. HE INDICATED, HOWEVER, THAT GOA DID NOT PLAN TO PUBLISH ANY OF THE NOTES AND HOPED THAT WE COULD NOW BEGIN TO PUT THE MATTER BEHIND US AND CONTINUE THE CORDIAL AND PRODUCTIVE DIALOGUE WE HAVE ENJOYED IN THE PAST. COUNSELOR REPLIED THAT USG, OF COURSE, WANTS TO PURSUE DIALOGUE AND DOES NOT WISH TO SEE MATTER BLOWN INTO FULL-SCALE DIPLOMATIC INCIDENT. HOWEVER, HE POINTED OUT, WHETHER WE COULD BEGIN TO PUT THE MATTER BEHIND US WOULD DEPEND TO A LARGE EXTENT ON THE RESULTS OF THE INVESTIGATION NOW BEING PURSUED BY THE GOA.

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2. EMBASSY BELIEVES WE HAVE MADE OUR POINTS. WE SEE NO PURPOSE IN PRESSING MATTER FURTHER AT THIS TIME AND THEREFORE, UNLESS OTHERWISE INSTRUCTED, PLAN TO HOLD OFF ANY ADDITIONAL ACTION UNTIL GOA HAS COMPLETED ITS INVESTIGATION AND INFORMED EMBASSY OF ITS RESULTS--PROVIDED, OF COURSE, THERE IS NO UNDUE DELAY.

3. (A) UNOFFICIAL TRANSLATION OF GOA NOTE. BEGIN TRANSLATION:

THE MINISTRY OF FOREIGN AFFAIRS AND WORSHIP - NORTH AMERICAN BUREAU - PRESENTS IT COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICAN AND HAS THE PLEASURE OF REFERRING TO YOUR NOTE NO 87 WITH RESPECT TO THE LACK OF SECURITY GUARDS AT THE HOME OF JOHN PATRICK EGAN AS OF SEVERAL DAYS BEFORE THE TRAGIC KIDNAPPING.

THE ARGENTINE GOVERNMENT REGRETS WHAT HAPPENED AND WHILE IT ACCEPTS THE FACTS MENTIONED AS REGARDS THE 9TH AND 11TH OF MAY 1974, AS WELL AS THAT THE CONSULATE REMAINED OPEN BECAUSE OF PROMISED SECURITY MEASURES, IT MUST ALSO POINT OUT OTHER SIDES OF THE CASE. IT SHOULD ALSO BE REMEMBERED THAT DURING THE INTERVIEW HELD ON MAY 9, MINISTER ALBERTO J. VIGNES AGREED WITH AMBASSADOR ROBERT C. HILL UPON A MECHANISM BY WHICH THE EMBASSY WOULD REFER TO THIS MINISTRY ANY TIME IT WERE NECESSARY OR THOUGHT IT CONVENIENT IN EVERYTHING RELATED TO SECURITY. IN THIS RESPECT, CONTACTS WERE FLUID AND EFFICIENT AND IT WILL BE REMEMBERED THAT AT A TIME PREVIOUS TO THE KIDNAPPING OF MR. EGAN, THE GUARDS FOR HIS HOUSE WERE TAKEN AWAY FOR UNKNOWN REASONS; THE CONSULAR AGENT AT THAT TIME APPLIED TO THE EMBASSY AND THE LATTER TO THIS CHANCERY, WHICH TOOK THE NECESSARY STEPS--AS THE EMBASSY KNOWS--TO SEE THAT THE GUARDS WERE RETURNED WITHIN TWENTY FOUR HOURS. BASED ON INFORMATION IN THE POSSESSION OF THIS MINISTRY, WHEN MR. EGAN NOTICED--A FEW DAYS BEFORE THE INCIDENT--THE ABSENCE OF GUARDS, HE CALLED THE CONFIDENTIAL

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LOCAL POLICE, BUT WAS RELUCTANT TO INFORM HIS EMBASSY. THE EMBASSY OF THE UNITED STATES OF AMERICAN DID NOT MAKE A PETITION TO THIS MINISTRY TOWARDS SOLVING THIS FACT EVEN THOUGH--AS IT APPEARS IN THE NOTE WHICH IS BEING ANSWERED--POLICE CUSTRODY HAD BEEN TAKEN FROM THE CONSULATE "SEVERAL DAYS BEFORE THE KIDNAPPING OF MR. EGAN". THE MINISTRY OF FOREIGN AFFAIRS AND WORSHIP DOES

NOT DENY, NO CAN IT DENY, THE RESPONSIBILTY
INCUMBENT TO THE ARGENTINE GOVERNMENT IN THIS
MATTER, BUT IT CANNOT BUT REGRET THE LACK OF
COOPERATION SHOWN BY THOSE WHO NEEDED PROTECTION
AND THE PRINCIPAL INTERESTED PARTIES.

IT SHOULD ALSO BE POINTED OUT, TO THE EFFECT
OF GIVING THIS CIRCUMSTANCE ITS ADEQUATE PERSPECTIVE,
THAT THE ATTEMPT AGAINST MR. EGAN SHOULD HAVE TAKEN
PLACE DAYS BEFORE, WHEN THE GUARDS WERE STILL AT THE
CONSULATE, AND WAS POSTPONED BY THE DEATH OF TWO
OF THE MEMBERS OF THE GANG INVOLVED. LIKEWISE,
MRS. EGAN STATED IN HER DECLARATION FOR THE POLICE
SUMMARY THAT WHEN THE DELINQUENTS ENTERED THE HOUSE
THEY ASKED AFTER THE GUARDS SEVERAL TIMES WHILE
AT THE SAME TIME LOOKING THROUGH THE ROOMS OF THE
AFOREMENTIONED CONSULATE. CONSEQUENTLY, IT SEEMS
RATHER PREMATURE TO VENTURE THE ASSERTION THAT
THE LACK OF GUARDS "LED TO THE TRAGIC DEATH OF
MR. EGAN".

THIS MINISTRY CANNOT CONFIRM STATEMENTS WHICH
ARE SUPPOSED TO HAVE BEEN MADE BY THE FEDERAL
INTERVENTOR OF THE PROVINCE OF CORDOBA, BUT IT
DOES KNOW THAT THE LATTER HAS DEMANDED THE
INITIATION OF A SUMMARY WHICH WILL PERMIT THE
CLARIFICATION OF THE MATTER. THE SECURITY WHICH
THE ARGENTINE GOVERNMENT OFFERS IS NOT CONDITIONAL,
AS THE NOTE WHICH IS BEING ANSWERED SUGGESTS--AND THE
EMBASSY HAS PROOFS OF THAT; THIS SECURITY IS SUBJECT--
AS ALL HUMAN ACTIONS--TO ERROR AND THAT IT WHY IT
NEEDS THE COOPERATION OF THE PERSON UNDER CUSTODY
WHO, FOR HIS OWN GOOD, MUST BE ALERT AND MUST
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LET ALL CORRESPONDING LEVELS OF AUTHORITY KNOW OF
ANY FAULT HE DETECTS.

FINALLY, THIS MINISTRY WOULD LIKE TO POINT OUT
THE PARTICULARLY HARSH TERMS USED IN THE NOTE WHICH
IT IS ANSWERING, WHICH ARE NOT UP TO THE STANDARD
OF THE COMMUNIQUE WHICH THAT DIPLOMATIC REPRESENTATION
EMITTED ON THE DAWN OF MARCH 1, AND MUCH LESS WITH
THE CORDIAL RELATIONS WHICH OUR TWO GOVERNMENTS
HOLD OR TO TRADITIONAL DIPLOMATIC PRACTICES.

THE MINISTRY OF FOREIGN AFFAIRS AND WORSHIP
REITERATES TO EMBASSY EXPRESSIONS OF ITS MOST
DISTINGUISHED CONSIDERATION. END UNOFFICIAL TRANSLATION.

4. (B) UNOFFICIAL TRANSLATION OF AIDE MEMOIRE. BEGIN
TRANSLATION:

ON MARCH 6, 1975 AT 6:30 PM THE AMBASSADOR OF THE

NOTE BY OCT: LIMDIS CAPTION DELETED. EXDIS CAPTION ADDED PER
MR. HOGANSON S/SO,3-17-75.

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ACTION SS-25

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P 172121Z MAR 75
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 0358

C O N F I D E N T I A L SECTION 2 OF 2 BUENOS AIRES 1855

EXDIS

UNITED STATES OF AMERICAN CALLED ON THE UNDER-
SECRETARY OF FOREIGN AFFAIRS TO EXPRESS HIS
DOUBTS REGARDING THE POLICY FOLLOWED BY THE
GOVERNMENT OF ARGENTINA FOR KIDNAPPINGS CARRIED
OUT BY TERRORIST GROUPS. IN THIS RESPECT,
AMBASSADOR HILL EXPLAINED THAT IN THE JUDGMENT
OF HIS GOVERNMENT THE FACTS ARE DOUBTFUL AND
REQUIRE A DEFINITION ON THE PART OF THE GOVERN-
MENT OF ARGENTINA.

IN THE FIRST PLACE, THE DIFFERENT SITUATIONS
SURROUNDING THE EGAN AND ANZORREGUI CASES MUST BE
POINTED OUT, STARTING WITH THE POSITION OF THE
GOVERNMENT OF ARGENTINA WHICH IS THAT OF NO
NEGOTIATION WITH THE TERRORIST GROUPS. IN THE
EGAN CASE, EVEN SUPPOSING THAT IT WAS DESIRED TO
ACCEPT THE KIDNAPPERS' DEMANDS IN ORDER TO SAVE A
LIFE, IT WAS NOT POSSIBLE BECAUSE THE DELINQUENTS
CLAIMED FOR WERE NOT IN THE HANDS OF THE ARGENTINE
AUTHORITIES. THUS THERE WERE NO ELEMENTS TO
NEGOTIATE WITH OR TIME AVAILABLE TO CONSIDER
ALTERNATIVES IN VIEW OF THE SHORT DEADLINE SET

BY THE MALEFACTORS.

IN THE ANZORREGUI CASE, THE GOVERNMENT NEITHER
NEGOTIATED NOR HAD CONTACTS WITH TE TERRORIST
GROUP WHICH APPARENTLY OPERATED ERRONEOUSLY.
IN EFFECT, PRIOR TO FEB. 27, THE FATHER-IN-LAW
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OF MR. SERGIO EFRAIN SCHNEIDER STARTED A LAWSUITE
WITH JUDGE OF PROCEEDINGS DR. OSVALDO IUSPA,
SECRETARIAT OF DR. JAIME MONTORO, INORDER TO
ALLOW SCHNEIDER,BY VIRTURE OF THE STATE OF
SIEGE, TO RESORT TO THE OPTION OF LEAVING THE
COUNTRY IN ACCORDANCE WITH ARTICLE 23 OF THE
CONSTITUTION. A PARALLEL HABEAS CORPUS OPTION
HAD ALSO BEEN STARTED WITH THE JUDGE OF PROCEEDINGS
DR. ANGEL ., GONZALEZ, SECRETARIAT OF DR. CARLOS
ALBERTO DANAM.

LASTLY, WE MUST REFER TO THE STATEMENTS MADE
TO JOURNALISTS BY THE MINISTER OF THE INTERIOR,
DR. ALBERTO ROCAMORA IN THE CITY OF MENDOZA ON
MARCH 6 REGARDING THE PRESUMPTION OF THE EXISTENCE
OF AN ARRANGEMENT BETWEEN THE GOVERNMENT AND THE
KIDNAPPERS OF DR. ANZORREIGUE: "THE GOVERNMENT
WILL NOT ACCEPT OR SETTLE,NT EVEN IN THE MOST
MINIMUM ASPECTS, WITH THE SUBVERSIVE FORCES."

THE TRRORIST GROUP WILL NOT ADMIT THIER
MISTAKE AND THE STATEMENTS MADE BY MR. SCHNEIDER
IN LIMA, WHICH, AS INDICATED BY THE EMBASSY,
REPRESENT ONLY HIS VERSION, HAVE THE PURPOSE OF
CONFUSING PUBLIC OPINION AND PERTURBING THE
GOVERNMENTS ACTION.

CONSEQUENTLY, THIS MINISTRY IS PERSUADED
THAT BETWEEN THE CLEAR STATEMENTS AND ATTITUDES
OF THE GOVERNMENT OF ARGENTINA AND THE WORDS OF
DELINQUENT, THE EMBASSY OF THE UNITED STATES OF
AMERICAN WILL NOT HESITATE IN ITS OPTION. EMD UNOFFICIAL
TRANSLATION.

5. (C) UNOFFICIAL TRANSLATION OF VIGNES-ROCAMORA MEMO. BEGIN
TRANSLATION:

MR. MINISTER: I HAVE THE PLEASURE OF ADDRESSING
MYSELF TO YOUIN REFERENCE TO THE KIDNAPPING OF THE
US CONSULAR AGENT IN THE CITY OF CORDOBA AND HIS
SUBSEQUENT ASSASSINATION.
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ON THE FIRST DAY OF THE CURRENT MONTH, THE EMBASSY OF THE UNITED STATES OF AMERICAN PUBLISHED A COMMUNIQUE IN WHICH IT RECOGNIZED AND EXPRESSED APPRECIATION FOR THE ATTITUDE OF THE ARGENTINE AUTHORITIES. DESPITE THIS, SAID DIPLOMATIC ESTABLISHMENT HAS SENT A NOTE TO THE FOREIGN MINISTRY IN WHICH IT POINTS OUT THE ABSENCE OF THE POLICE GUARDS AT THE MHOME OF THE KIDNAPPED MAN IN SPITE OF THE AGREEMNT OF MAY 1974 AMONG THE THEN MINISTER OF INTERIOR AND CHIEF OF FEDEAL POLICE, AMBASSADOR BENITO LLAMBI AND COMMISSIONEER GENERAL ALBERTO VILLAR, AND MYSELF, THE UNDERSIGNED.

IT IS PUBLIC KNOWLEDGE THAT, IN EFFECT THE POLICE GUARDS DETAILED TO THE EGAN HOUSE WERE WITHDRAWN WITOUT EXPLANATIONS A FEW DAYS BEFORE THE KIDNAPPING IN WHICH HE LOST HIS LIFE. WITH RESPECT TO THIS, THE FEDERAL INTERVENTOR IN CORDOBA VERBALLY PROMISED OFFICIALSOF THIS MINISTRY TO CARRY OUT AN EXHAUSTIVE INVESTIGATION. HE DID THIS WHILE THERE OFFICIALS WERE IN CORDOBA TO ATTEND THE FUNERAL SERVICES FOR THE CONSULAR AGENT.

AS YOUR EXCELLENCY WELL KNOWS, THE SECURITY OF A DIPLOMATIC REPRESENTATIVE IS THE RESPONSIBILITY OF THE HOST STATE, ALTHOUGH THE FORMER HAS THE OBLIGATION TO TAKE MEASURES OF SELF-DEFENSE WHEN HE DETECTS A DANGEROUS SITUATION. THUS, EXPLANATIONS AND SATISFACTION MUST BE GIVEN TO THE EMBASSY OF THE UNITED STATES OF AMERICAN INORDER TO AVOID AN INCIDENT WHICH COULD AFFECT THE RELATIONS BETWEEN THE UNITED STATES OF AMERICAN ANDOUR COUNTRY.

WITH THE AIM OF SATISFYING THE REQUIRMENT INDICATED IN THE PARAGRAPH ABOVE, I ASK YOUR EXCELLENCY FOR THE NECESSARY COLLABORATION SO THAT THIS MINISTRY BE APPRISED OF THE FINDINGS OF THE INVESTIGATION OF THE FEDERAL INTER-
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VENTOR INCORDOBA, AND ALSO OF THE STATEMENTS GIVEN BY MRS. EGAN TO THE POLICE WITH REFERENCE

TO THE KIDNAPPING OF HRER HUSBAND. I SALUTE YOUR EXCELLENCY,
ETC. END UNOFFICIAL TRANSLATION.

6. SPANISH TEXT OF ALL NTES ARE BEING POUCH TO DEPT.
HILL

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MR. HOGANSON S/S-O,3-17-75.

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